

SUPPORT FOR THE AMENDMENTS

The amendments to the claims are supported by the specification at pages 4-48, especially pages 13-15. No new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 28-33 are pending. Favorable reconsideration is respectfully requested.

Applicants would like to thank Examiner Fronda and Examiner Achutamurthy for the helpful and courteous discussion held with their representatives on February 7, 2006. During the discussion, the amendments submitted above were discussed. The Examiners indicated that the amendments appeared to overcome the outstanding rejections, subject to final review after filing in written form. The Examiners also requested that Applicants address the deposit of the strain recited in the claims. The following remarks expand on the discussion with the Examiners.

As noted in the specification at page 15, the strain recited in the claims was deposited under the terms of the Budapest Treaty. In addition, Applicants confirm that all restrictions on the public availability of the deposited material will be irrevocably removed upon the grant of a patent from the present application.

The rejections of the claims under 35 U.S.C. §102(b) and §103(a) are believed to be moot in view of the amendment submitted above. None of the references describe the strain AJ13355 (FERM BP-6614) strain or a derivative thereof obtained by mutagenesis treatment or a recombinant DNA technique and, therefore, fail to disclose or suggest the claimed fertilizer. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, first paragraph, is believed to be obviated by the amendment submitted above. The specification provides a detailed written description of the subject matter specified in Claims 28-33. Therefore, withdrawal of this ground of rejection is respectfully requested.

7

Application No. 10/077,745
Reply to Office Action of October 19, 2005

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

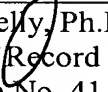
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



James J. Kelly, Ph.D.
Attorney of Record
Registration No. 41,504